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OFFICE OF PETITIONS PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christopher J. Edge,
Timothy A. Fischer

Examiner:

Javid A. Asmini

Serial No.: 09/778,515

Group Art Unit:

2672

Filed: February 7, 2001

Docket No.:

1037-039US01

Title: COLOR IMAGE DISPLAY ACCURACY USING COMPARISON OF COLORED OBJECTS TO Dithered BACKGROUND

DIRECTOR OFFICE
TECHNOLOGY CENTER 2000

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on June 23, 2004.

By: Shirley A. Betlach
Name: Shirley A. Betlach

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RENEWED PETITION FOR UNINTENTIONALLY
DELAYED DOMESTIC PRIORITY CLAIMRECEIVED
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JUN 23 2004

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ATTENTION: SENIOR PETITIONS ATTORNEY DOUGLAS I. WOOD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir

In reply to the Decision on Petition mailed June 7, 2004, in which the Director dismissed Applicants' Petition filed November 21, 2003 under 37 C.F.R. § 1.78(a)(3), Applicants hereby renew the Petition and request that the Director grant the Petition in view of the following remarks.

In the Decision on Petition, the Director dismissed the Petition on the basis that the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application was not properly submitted. The Director acknowledged that Applicants submitted such a reference in an Amendment filed concurrently with the Petition, but stated that the Amendment is not acceptable because it improperly incorporates by reference the prior-filed application.

In reply, Applicants respectfully submit that the incorporation by reference 07/12/2004 V-BUTLER 00000005 501778 09778515 accompanying the required reference to the prior-filed application is proper because the incorporation by reference was actually included in the specification as originally filed. In

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particular, the specification as originally filed included an incorporation by reference of the prior-filed application, and purported to claim priority to the prior-filed nonprovisional application. However, the claim of priority did not properly include the required reference identifying the present application as a "Continuation-In-Part" of the prior-filed nonprovisional application.

Hence, by way of the Petition, Applicants seek to include the proper reference to the prior-filed nonprovisional application, while still maintaining the incorporation by reference made in the specification as originally filed. Applicants certainly agree with the Director that the addition of an incorporation by reference would ordinarily be improper after the filing of the application. In this present application, however, the incorporation by reference was made in the specification as originally filed, and is therefore believed to be proper.

In view of the foregoing remarks, Applicants respectfully submit that the reference to the prior-filed nonprovisional application in the first paragraph of the application, as presented in the Amendment filed November 21, 2003, including the incorporation by reference, is proper in this instance. Therefore, Applicants respectfully submit that the Petition as originally filed complies with the requirements of 37 CFR 1.78(a)(3), and requests that the Petition be granted.

If any aspect of this Renewed Petition is unclear, or if further discussion would be helpful to the Director's disposition of this Renewed Petition, the undersigned may be contacted by telephone at the convenience of the Director.

Please charge any necessary fees or credit any overpayment to deposit account number 50-1778.

Date:

By:

June 23, 2004

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TO:	FROM:
Office of Petitions Attention Senior Petitions Attorney Douglas I. Wood	Steven J. Shumaker
COMPANY: U.S. Patent & Trademark Office	DATE: JUNE 23, 2004
FAX NUMBER: 703-872-9306	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: 703-308-6918	SENDER'S REFERENCE NUMBER: 1037-039US01
RE: Renewed Petition for Unintentionally Delayed Domestic Priority Claim	APPLICATION SERIAL NUMBER: 09/778,515

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